

### I. General Policy and Classification of Forests.

## CHAPTER V.

# GOVERNMENT POLICY WITH REGARD TO FORESTS.

## I. GENERAL POLICY AND CLASSIFICATION OF FORESTS.

481. The following extract from the Secretary of State's Despatch No. 14, dated 24th April 1863, to the Government of Fort St. George, contains general remarks on the question of Forest Conservancy :—

General Policy.

16. The importance of Forests, not only as yielding timber and firewood, but as affecting the rainfall, the climate and the soil, and as protecting in mountainous regions, the country of the

Use of Forests.

plains, has been overlooked, not in India alone but in other countries of the world. But of late years sounder views on this point have been adopted. Humboldt very broadly stated (and the statement is now very generally accepted) that the more cultivation increases and the forests diminish the drier both soil and climate become. Nor is there any reason, as I remarked in paragraph 6 of my despatch of the 9th March, No. 7, if the forests are properly managed and a judicious outlay is bestowed on them, why a proportionate profit should not be obtained from them. Whatever may have been the case formerly, there can be no doubt of this in India now, since the introduction of Railways, the stimulus given to the construction of other public works, and the building of private houses and manufactures, from the increased and the increasing influx of Europeans into India, has created so large a demand for timber.

17. To forests, from their nature, the usual maxim of political economy, which leaves such undertakings to private enterprise cannot be applied. Their vast extent, the long time that a tree takes to reach maturity, and the consequence that

Necessity of Forests being managed by the State.

few persons live long enough to obtain any, and more specially the highest, returns for expenditure, even once in the course of their lives, are proofs of the necessity that forest management should be conducted on permanent principles and not be left to the negligence, avarice or caprice of individuals, and therefore point to the State as the proper administrator, bound to take care that, in supplying the wants of the present generations, there is no reckless waste, no needless forestalling of the supply of future generation. This is matter of experience, not in India only but in all other countries of the world. For several years past some of the forests of your Presidency have been under the superintendence of an able Conservator and a small Forest Department, and the attention of your Government has been creditably directed to their preservation from utter ruin. But, as Major Morgan has observed in the report before me, "conservancy is yet in its infancy." What has been done, however, has shown that by extending the system, and placing it on a sound and permanent footing, much more might be done. To attain this the Forest Department should be made thoroughly effective and all forests, without exception, should be at once brought under its authority. The Conservator should have competent Superintendents under him, with a moderate, but still a sufficient staff suited for

Forests should be placed under proper management.

*Insert* the following new section:—

480a. *Printing*.—(i) Heads of offices have been authorised to get their printing work done at Government presses in urgent cases in anticipation of Government sanction which should be obtained later on. No work should be sent to a private press for printing unless it is of such an urgent nature as to preclude its being printed at a Government press in time.\*

(ii) The charges in respect of work done at private presses will be met from the contingent grants of the officers concerned, but they should not be actually paid until they have first been passed for payment in the Presidency proper by the Superintendent of Government Printing and in Sind by the Manager of the Commissioner's Press, Karachi.†

(iii) Conservators are authorized to sanction the printing of notices of sale of forest produce, etc., at Government presses.‡

*Add* the following foot notes:—

\* Government Order, General Department, No. 600, dated 29th January 1917.

† Government Order, General Department, No. 6259, dated 12th August 1915.

‡ Government Order, General Department, No. 10655, dated 1st September 1917

## I. General Policy and Classification of Forests.

the requirements of each forest. He should lay down general rules which should only be departed from with his permission, and when a difference in the circumstances of a district might render a change expedient. Some system of this kind does, I am aware, exist to a certain extent, but it requires to be made more complete, and to have a permanent character.

18. The rules should, for the most part, be determined on in concert with the Revenue Authorities. Intimately connected as the forests are with cultivation, it is highly important that the department should work in strict connection and communication with the Collectors of the several districts and their Subordinate Officers. I mention this, as I regret to perceive, from Mr. Spring's Report, that this has not been the case on the borders of Cuddapah and North Arcot, the jungles of which have, notwithstanding your orders, suffered very much in consequence.

The Revenue and Forest authorities should work together.

19. One rule which is of paramount importance should at once be adopted whenever circumstances permit it. The cuttings should be conducted by the Officers of the Department. To the want of such a rule and the admission of Contractors to do this work or to cut trees on the payment of seignorage fees, may be traced in great measure the wholesale destruction which has occurred in all the forests of India. Instances of the truth of this view will be found in the account given by Major Morgan of almost every forest. He calls it in one place, and with great justice, "a simple way of saving the assistant trouble and conveying the largest share of the profit into the pocket of the Contractor." It does not, therefore, seem to me that the case of the contract suggested by Captains Beddome and Brine was quoted by the Acting Conesrvator inappositely as an example of the superiority of conservancy over the system of felling by Contractors. It is, I think, therefore to be regretted that, by the order on your proceedings of December 20th last you have sanctioned rules for working the forests of the Kurnool, Cuddapah and Salem Districts on the seignorage fee principle. When an establishment of sufficient strength is given to these forests, this arrangement should be altered.

NOTE I.—The system of contracts which it is meant here to condemn are those by which persons obtain the privilege of cutting timber and bringing it out of the forests and selling it on their own account. (Government Resolution No. 1773, dated 27th April 1865.)

NOTE II.—The policy at present is to employ Contractors where possible, especially in such forests in which the coupe system is in force, the danger of unlawful and over-felling being practically put out of the question by the reservation of trees according to the rules of the Working Plans and sufficient supervision of the Forest Officials.

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21. Another point which has hitherto been neglected is that sufficient protection should, as far as possible, be provided to persons working in the forests and the jungles. Major Morgan mentions the want of proper shelter for the men employed in the Anamallais as one of the causes of the loss on that forest, and due provision for those who are working in these fever-haunted localities, besides being a duty

Housing of Forest the establishment.

### I. General Policy and Classification of Forests.

on the part of Government would also, by husbanding the health and strength of their servants, prove in the end a measure of economy.

NOTE I.—The health of Forest Officers, who are necessarily out in the forests during a large portion of the most unhealthy season of the year, should be cared for as far as may be possible. Nothing will tend more to this end than the building of small huts for their accommodation in convenient situations. (G. I., A. R. & C., No. 465 of 11th April 1872; *vide* Government Resolution No. 2021, dated 26th April 1872.)

NOTE II.—Government in their Resolution No. 4643, dated 18th June 1904, paragraph 6, order that a programme for the construction of buildings and roads be drawn up for the Presidency proper which should cover a term of 5 years.

22. I have lately in paragraph 6 of my despatch of the 9th March urged upon you the necessity of impressing upon all officers concerned the caution of the Governor General as to the Reservation of valuable forests, and this caution seems more necessary after a perusal of some of the opinions expressed in the report now before me.

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24. I quite agree with Your Excellency in Council that it is not desirable that there should be any reservation of trees on lands made over to purchasers, although in these cases a valuation may be put upon the trees before the sale.\*

482. 1. The guiding principle that forest administration is a branch of general administration and that responsibility for a wise and efficient management of forests rests as much with the Collectors and their Assistants as with the officers of the Forest Department, has been laid down in Government Resolution No. 2448 of 8th April 1890. While, on the one hand, the creation of a separate and specially trained Department has made it unnecessary and undesirable that Revenue Officers should interfere with the professional work of Forest Officers, it is essential, on the other hand, that the position and authority of the Collector, as the officer responsible for the executive management and well-being of his District and the head of the Forest Department therein should be upheld and effectively safeguarded. This principle is of general application; but its observance is specially important in Districts such as Thána, where large tracts, formerly recognized as open to the villagers for communal purposes, have been included in forests and where, as observed by the Forest Commission, former customs and conditions of agriculture give the cultivators strong claims to liberal treatment in all arrangements for the distribution of forest produce and where, owing to the system of forest demarcation which circumstances have made it necessary to adopt, local as well as imperial wants have generally to be met from the same areas. In its management of forest the ease and contentment of the people is an object of greater solicitude to Government than the realization of revenue, and while no relaxation of precautions necessary for the conservation and reproduction of the timber and firewood supplies can be permitted and the Forest Officers must be vigorously supported in resisting unauthorized encroachments, Government have no desire to increase their forest revenue by the curtailment of conceded privileges or of local supply, or by the levy of excessive charges for

\* Government Resolution No. 3816, dated 10th December 1864.

### I. General Policy and Classification of Forests.

grass and other minor forest produce. The benefit of any revenue so obtained would be altogether insufficient to countervail the hardship and irritation that would be caused were the rayats unduly pressed in the matter of obtaining *rad* and firewood, grazing for their cattle or grass for thatching and other household purposes. In this connection, the attention of all officers is called to the orders passed in Government Resolutions Nos. 7467 of 15th September 1885 and 7022 of 4th October 1886.

NOTE.—The orders contained in this paragraph apply to the grazing of sheep and goats as well as cattle. (Government Resolution No. 775, dated the 29th January 1891.)

2. Government are sensible of the zeal by which the Conservators and Forest Officers generally are actuated, and of the good work which is being done by them. Unless, however, the Revenue Control of Privileges by the Revenue Authorities. Officers keep a watchful eye over all forest operations, affecting local supply and local privileges, there is evident danger of the intentions of Government being frustrated and misconstrued through excess of zeal for conservancy on the part of Forest Officials. Disregard of the rule which requires all orders regarding privileges to be sent through the Collectors has on more than one occasion caused hardship and inconvenience to forest villagers, which might doubtless have been avoided had the Collector been given the opportunity of objecting, which the rule itself provides. It is to the Collectors and Commissioners that Government must look to exercise the check which is required and to enable them to do so more effectually than at present it is necessary to direct that in future all orders affecting local supply and privileges in forests shall be issued *exclusively* by the Collectors, and shall be communicated to the people interested through the ordinary revenue channels. All orders regarding closure of forest compartments, whether for planting or reboisement, or for punitive purposes, except closure of coupes recently felled in regular rotation in accordance with duly sanctioned Working Plans, must be held to fall within this category.\*

483. 1. In their Resolution No. 16-A, dated 1st March 1883, the Government of India asked for the advice and co-operation of Local Governments as to the action which should be taken for the better protection of the cattle of the country during seasons of drought, and at the same time indicated the general outlines of the scheme which appeared most likely to secure the desired result.

2. This scheme, while seeking to encourage the people to store more carefully the grasses produced in their fields, and, where possible, to store hay, had for one of its principal objects the extended growth and reproduction of the fodder trees and bushes on which Indian cattle are so largely dependent for food supply in years of scarcity. The question was asked whether, in some cases, land could not be purchased for the above purpose and information was called for which would indicate how far the cattle in each district required protection, the extent of waste land available and the best means of managing any land which could be set apart for the purpose.

\* Government Resolution No. 650, dated 26th January 1891.

### I. General Policy and Classification of Forests.

3. The Government of India are convinced, from a perusal of the reports received, that the subject deserves to be further analysed, and studied in greater detail, before it is safe to draw any final conclusions.

4. The lands of each province may, for the purpose of this Resolution, be Division of Forest lands. ranged under three classes, viz. :—

1 Cultivation.

2 { Pastures.

2 { Fodder Reserves.

3 Forests, properly so called.

5. The Government of India accept the proposition that no impediment should be offered to the extension of permanent cultivation wherever the welfare of the Agricultural communities demands it. It is only Extension of cultivation. in cases in which the expansion of arable land is less profitable or—unless protected by a sufficient area of pastures, fodder reserves and forests—is unsafe, that restriction is required. While it is true that in some richly irrigated tracts no grazing or fodder reserves and but few forests are required, and that it is more profitable to grow what food the cattle may require in the cultivated fields and to import timber and other forest produce needed by the population, it is equally true that in other less favoured localities the profitable continuance of agriculture depends upon the existence of grazing lands, of fuel and fodder reserves or forests.

6. It must first be considered to what extent “pastures,” “fodder reserves,” and “forests” are required in each locality in order to meet Proportion of various classes of forests required in different localities. public wants and to secure the proper protection of agriculture or the full efficiency of agricultural operations; and an analysis of each district should be made in special regard to this question.

7. The next question is that of the management of areas brought under treatment in each class. The general principle which Management of the various classes. applies to all of them is that they should be permanently maintained in such manner as to provide a maximum benefit to the adjacent population at a minimum cost to the State. Their management must therefore be conducted on mercantile principles, so far as these are consistent with full regard to proved and acknowledged rights. With this proviso, the produce of the areas taken under management should be disposed of at market rates to be fixed from time to time with due consideration of the local demand and supply, and any other circumstances affecting the value of the produce.

8. By *pastures* are meant grazing lands from which cattle, including sheep and goats, are not to be otherwise than temporarily excluded Definition of pasture lands. but which are to be brought under a definite system of management. What that system should be is a question which requires enquiry and perhaps experiment in each locality.

In some cases it may be found necessary to close lands selected as pastures against grazing during part of the year opening them only when the annually recurring scarcity of fodder begins; in others a longer period will be required for the

## I. General Policy and Classification of Forests.

recovery of the grass, while in certain tracts it may be found expedient to divide the pasture lands into blocks opened in rotation, in which the number of cattle admitted will be restricted in accordance with the supply of grass by the imposition of sufficiently high grazing fees or otherwise.

The methods to be adopted will, however, vary from district to district, and the Government of India are content at present with an expression of their desire that an investigation should be set on foot and continuously maintained, and that the responsible authorities should not, on the recurrence of a fodder famine in any district or tract, be exposed to a charge that the requirements of the locality, in connection with the maintenance of a fodder supply, had not been seriously investigated and considered in each case. It is hardly necessary to add that the system of management should be such as to exclude, as far as possible, all interference on the part of subordinate officers.

9. *Fodder Reserves* are lands in which, while the yield of grass is improved the growth of fodder other than grass, *e.g.*, bushes and trees edible by cattle—is promoted and which must, for the attainment of this object, be except in years of great drought, absolutely closed against grazing, the fodder being cut and collected. Their future treatment requires observation and study.

The advantages of such reserves are that, under proper treatment the average supply of fodder whether in form of plants, trees or grasses, is larger than under the system of open grazing; that a judicious system of supplying leaves and lopped branches to cattle will maintain a continually increasing supply of fodder without injuring the bushes or trees; that the grass will, in the form of hay or cut fodder, produce annually more food than if grazed during the period of growth; that in years of extremity when cattle are admitted to the reserves, fodder, bushes and trees, being able to stand long continual drought, offered a supply of food upon which the cattle can fall back when grasses and more shallow rooted plants are burnt up by the heat, and finally that the grasses themselves will be cut and stacked so as to form a store of food when the growing vegetation in the open grounds has been exhausted.

10. By *Forests proper* are meant lands which have been set apart primarily either for the production of timber, fuel and the other products of tree growth, or for the protection of hill sides, but forests may also be constituted and maintained for other cognate purposes connected with the public welfare. In many cases their importance is felt beyond their immediate neighbourhood, within such limits as it is possible to transport timber or other trade produce from them with profit; but they may also serve to supply the surrounding agricultural population with fuel, small building and other wood, grass, and minor produce, and in some cases with grazing land. It is important that, consistently with a rational treatment, under which they fulfil the primary object for which they are set apart, forests should be made to supply the needs of the adjacent residents to the utmost extent.

### I. General Policy and Classification of Forests.

11. The enquiries and investigations called for under this Resolution form part of the agricultural analysis which, in the 9th and 10th paragraphs of Resolution No. 6—340-50-G., dated 8th December 1881, Agricultural Department, were required to institute. It was there laid down that Agricultural Departments should, district by district, ascertain the causes which, especially in years of drought, had tended to interfere with "agricultural efficiency", and that, when those causes had been ascertained remedies should be suggested and where possible, provided. The instructions contained in the paragraphs above-quoted have not, in some Provinces, been sufficiently understood or carried into effect, and the Government of India take this opportunity of requesting that a serious commencement may now be made by Agricultural Departments in setting on foot, in each district, in communication with Revenue and Forest Officials, the agricultural analysis contemplated in the Resolution of 1881 so far as it includes the provision of an adequate grazing and fodder supply.

12. The question of increasing the area of wood land, in connection with the general improvement of agriculture and the increase of the manure supply, is one which it will be necessary to bring under further discussion on receipt of the final report from Doctor Völcker, the Consulting Chemist to the Royal Agricultural Society of England. In the meantime attention is directed to the remarks on the subject contained in Doctor Völcker's Preliminary Report, which was distributed with Circular No. 2—26—4A, dated 30th January 1891.

13. It is in the opinion of the Government of India advisable for convenience of administration that all lands set apart for special treatment as pastures, fodder reserves or forest proper should, so far as the law permits, be placed under the forest law as "Reserved Forests," but it should be understood that it is not necessary that because an area is constituted reserved forest, it must be managed for the purpose of producing trees or placed under the control of the officers of the Forest Department. The method of treatment of such lands and the arrangements of their control must be regulated entirely by the local authorities, with whom remains the power to determine the agency and system of management.\*

484. The forest policy of the Government of India has assumed a fresh development of considerable importance.

Tripartite classification of Forests.

The necessity of dividing off areas into classes, and of according a different method of treatment to each class, is recognized. The division contemplated is:—

- (a) Pastures or grazing lands, from which cattle, including sheep and goats, are not to be otherwise than temporarily excluded, and in regard to which the system of management is to be such as will exclude, as far as possible, all interference on the part of subordinate officers.

\* G. I. R. & A., No. 17-105, dated 15th July 1891; vide Government Resolution No. 6840, dated 5th October 1891.



## I. General Policy and Classification of Forests.

(b) Fodder Reserves which, except in years of great drought, are to be absolutely closed against grazing, the fodder produced being cut and collected.

Fuel and Fodder services.

(c) Forest proper, *i.e.*, land set apart primarily for the production of timber and fuel and the other products of tree growth, but which may also serve to supply the surrounding agricultural population with fuel, small building and other wood, grass and minor produce, and in some cases with grazing lands. Attention is drawn to the importance of making forests proper supply the needs of adjacent residents to the utmost extent possible, consistent with a rational treatment, under which they will fulfil the primary object for which they were set apart and in paragraph 13, words of caution are added that "it should be understood that it is not necessary that because an area is constituted a reserved forest it must be managed for the purpose of producing trees, or be placed under the control of the Officers of the Forest Department."

Forest proper.

In calling thus particularly the attention of the Revenue and Forest Officers to the above orders, the Governor in Council is pleased to direct that they should make for each district the analysis mentioned in paragraph 6 of the Government of India Resolution, No. 17—105, dated 15th July 1891, [read last section] and they should divide the areas included in reserved forests into the three classes contemplated. The best way to do this is that they should, in consultation, first select and set apart lands for treatment as *forest proper*, as described in paragraph 10 of the Resolution. They should then proceed to divide the rest between "Pastures" and "Fodder Reserves." The Governor in Council regards this as a very important piece of work, and one which demands the most careful attention of all District Officers. If the division and classification of forest areas are wisely carried out and if pastures are managed mainly and primarily for the support and therefore the production of stock, and not with the main object of producing revenue from grazing fees, Government believe that much of the unpopularity that now rests on forest arrangements will be removed. The beneficial effect of these orders will be nullified, if areas which could only produce a saleable growth of underwood by protracted closure, but which are really required for grazing purposes, are included in *forest proper*. Each class of forest land should be specially treated for the purpose it is intended to serve, and a minimum of interference by subordinate officers with the areas set apart for pastures or grazing lands and with the people using them should be enforced.

Orders for the introduction of the tripartite classification of Forests.

As regards the question of management of pastures and fodder reserves raised in this Resolution, the Governor in Council desires that the views set forth in paragraph 9 of Government of India Resolution No. 16-A., dated 1st March 1883 [read section 326 (g), Standing Orders, Forests], should be fully adopted in this Presidency. The position of the Conservators should be that set forth therein. They should be consultative officers who would give their advice and opinions on questions of professional and technical character referred to them by the Collectors and Com-

Management of pasture area.

### 1. General Policy and Classification of Forests.

missioners, but they should not attempt to direct or control District Officers of the Revenue or Forest Departments in the performance of their duties of management. In that matter there should be no division of responsibility, and the system of management should be that described in paragraph 9 of the Government of India Resolution No. 16, dated 1st March 1883.\*

**485.** Copies of the following Resolution of the Government of India, No. 22-F, dated 19th October 1894, containing the latest pronouncement of that Government on the subject of forest classification and administration were forwarded to all Commissioners, Collectors, and Conservators of Forests for information and guidance :—

Latest pronouncement of the policy of the Government of India on Forest classification and administration.

"In Chapter VIII of his Report on the Improvement of Indian Agriculture, Doctor Völcker dwells at length upon the importance of so directing the policy of the Forest Department that it shall serve agricultural interests more directly than at present; and in his review of Forest Administration for 1892-93, the Inspector-General of Forests discusses in some detail the principles which should underlie the management of State Forests in British India. While agreeing generally with the principles thus enunciated by the Inspector-General of Forests, the Government of India think that it will be convenient to state here the general policy which they desire should be followed in this matter, more especially as they are of opinion that an imperfect apprehension of that policy has, in some recent instances, been manifested.

"2. The sole object with which State Forests are administered is the public benefit. In some cases the public to be benefited are the whole body of tax-payers; in others, the people of the tract within which the forest is situated; but in almost all cases the constitution and preservation of a forest involve, in greater or less degree, the regulation of rights and the restriction of privileges of user in the forest area which may have previously been enjoyed by the inhabitants of its immediate neighbourhood. This regulation and restriction are justified only when the advantage to be gained by the public is great; and the cardinal principle to be observed is that the rights and privileges of individuals must be limited, otherwise than for their own benefit, only in such degree as is absolutely necessary to secure that advantage.

Object of Forest Administration.

"3. The Forests of India, being State property, may be broadly classed under the following headings:

Classification of Forests.

(a) Forests the preservation of which is essential on climatic or physical grounds.

(b) Forests which afford a supply of valuable timber for commercial purposes.

(c) Minor forests.

(d) Pasture lands.

\* Government Resolution No. 6840, dated 5th October 1891.

### I. General Policy and Classification of Forests.

It is not intended that any attempt should be made to class existing State Forests under one or other of these four heads. Some forests may occupy intermediate positions, and parts of one and the same forest may fall under different heads. The classification is useful only as affording a basis for the indication of the broad policy which should govern the treatment of each class respectively; and in applying the general policy, the fullest consideration must be given to local circumstances.

“4. The first class of forests are generally situated on hill slopes, where the preservation of such vegetation as exists, or the encouragement of further growth, is essential to the protection from the devastating action of hill torrents of the cultivated plains that lie below them. Here the interests to be protected are important beyond all comparison with the interests which it may be necessary to restrict; and so long as there is a reasonable hope of the restriction being effectual, the lesser interests must not be allowed to stand in the way.

“5. The second class of State Forests include the great tracts from which our supply of the more valuable timbers—teak, sal, deodar, and the like—is obtained. They are for the most part (though not always) essentially forest tracts and encumbered by very limited rights of user; and when this is the case, they should be managed mainly on commercial lines as valuable properties of, and sources of revenue to, the State. Even in these cases, however, customs of user will for the most part have sprung up on the margins of the forest; this user is often essential to the prosperity of the people who have enjoyed it; and the fact that its extent is limited in comparison with the area under forest renders it the more easy to continue it in full. The needs of communities dwelling on the margins of forest tracts consist mainly in small timber for building, wood for fuel, leaves for manure, and for fodder, thorns for fencing, grass and grazing for their cattle, and edible forest products for their own consumption. Every reasonable facility should be afforded to the people concerned for the full and easy satisfaction of these needs, if not free (as may be possible where a system of regular cuttings has been established), then at low and not at competitive rates. It should be distinctly understood that considerations of forest income are to be subordinated to that satisfaction.

“There is reason to believe that the area which is suitable to the growth of valuable timber has been over-estimated and that some of the tracts which have been reserved for this purpose might have been managed with greater profit both to the public and to the State, if the efforts of the Forest Department had been directed to supplying the large demand of the agricultural and general population for small timber rather than the limited demand of merchants for large timber. Even in tracts of which the conditions are suited to the growth of large timber, it should be carefully considered in each case, whether it would not be better both in the interests of the people and of the revenue, to work them with the object of supplying the requirements of the general and in particular of the agricultural population.

### I. General Policy and Classification of Forests.

"6. It should also be remembered that, subject to certain conditions to be referred to presently, the claims of cultivation are stronger than the claims of forest preservation. The pressure of the population upon the soil is one of the greatest difficulties that India has to face, and that application of the soil must generally be preferred which will support the largest numbers in proportion to the area.

"Accordingly, wherever an effective demand for cultural land exists, and can only be supplied from forest areas, the land should ordinarily be relinquished without hesitation; and if this principle applies to the valuable class of forests under consideration, it applies *a fortiori* to the less valuable classes which are presently to be discussed. When cultivation has been established, it will generally be advisable to disforest the newly settled area. But it should be distinctly understood that there is nothing in the Forest Act, or in any rules or orders now in force which limits the discretion of Local Governments without previous reference to Government of India (though, of course, always subject to the control of that Government) in diverting forest land to agricultural purposes, even though that land may have been declared reserved forests under the Act.

"7. Mention has been made of certain conditions to which the application of the principle laid down in the preceding paragraph should be subjected. They have for their object the utilization of the forest area to the greatest good of the community. In the first place, the honey-combing of a valuable forest by patches of cultivation should not be allowed; as the only object it can serve is to substitute

somewhat better land in patches for sufficiently good land in large blocks, while it renders the proper preservation of the remaining forest area almost impossible. The evil here is greater than the good. In the second place, the cultivation must be permanent. Where the physical conditions are such that the removal of the protection afforded by forest growth must result, after a longer or shorter period, in the sterilization or destruction of the soil, the case falls under the principle discussed in paragraph 4 of this Resolution. So, again, a system of shifting cultivation, which demands a large area of forest growth in order to place a small area under crops, costs more to the community than it is worth and can only be permitted, under due regulation where forest tribes depend on it for their sustenance. In the third place, the cultivation, in question, must not be merely nominal and an excuse for the creation of pastoral or semi-pastoral villages, which do more harm to the forest than the good they reap from it. And in the fourth place, cultivation must not be allowed so to extend as to encroach upon the minimum area of forest which is needed in order to supply the general forest needs of the country, or the reasonable forest requirements present and prospective, of the neighbourhood in which it is situated. In many tracts cultivation is practically impossible without the assistance of forests, and it must not be allowed to destroy that upon which its existence depends.

### I. General Policy and Classification of Forests.

"8. It has been stated above that the forests under consideration are generally, but not always, free from customs of user. When, as sometimes happens, they are so intermingled with permanent villages and cultivation that customary rights and privileges militate against their management as revenue-paying properties, the principles laid down at the end of paragraph 5 of this Resolution should be observed and considerations of income should be made secondary to the full satisfaction of local needs. Such restrictions as may be necessary for the preservation of the forest, or for the better enjoyment of its benefits, should be imposed; but no restriction should be placed upon reasonable local demands, merely in order to increase the State revenues.

"9. The third class of forests include those tracts which, though true forests, produce only the inferior sorts of timber or the smaller growths of the better sorts. In some cases the supply of fuel for manufactures, railways and like purposes, is of such importance that these forests fall more properly under the second class; and must be mainly managed as commercial undertakings. But the forests now to be considered are those which are useful chiefly as supplying fuel and fodder or grazing for local consumption; and these must be managed mainly in the interests of the population of the tract which supplies its forest requirements from this source. The first object to be aimed at is to preserve the wood and grass from destruction; for user must not be exercised so as to annihilate its object, and the people must be protected against their own improvidence. The second object should be to supply the produce of the forests to the greatest advantage and convenience of the people. To these two objects all considerations of revenue should ordinarily be subordinated.

"10. It must not be supposed from the preceding remarks that it is the intention of the Government of India to forego all revenue from the large areas that are valuable chiefly for the fuel and fodder which they yield. Cases must be distinguished. Where the areas in question afford the only grazing and the only supply of fuel to villages which lie round or within them, the necessity of the inhabitants must be treated as paramount, and they should be satisfied at the most moderate rates, and with as little direct official interference as possible. But where the villages of the tract have already ample pasture grounds attached to their cultivation and owned and managed by themselves, and where the crown lands merely supplement these pastures; and afford grazing to a nomad pastoral population, or to herds that shift from one portion of the country to another with the changes of the season, Government may justly expect to reap a fair income from its property. Even in such cases, however, the convenience and advantage of the graziers should be studiously considered, and the inhabitants of the locality, or those who habitually graze over it, should have a preferential claim at rates materially lower than might be obtained in the open market. It will often be advantageous to fix the grazing demand upon a village or a nomad community for a year or a term of years. The system, like every other, has difficulties that are peculiar to it; but it reduces the interference of petty officials to the lowest point, and minimizes their opportunities for extortion and oppression. Where grazing fees are levied *per capita* free passes are often

### I. General Policy and Classification of Forests.

given to a certain number of cattle. In such cases, the cattle which are to graze free should include, not only the oxen which are actually employed on the plough, but also a reasonable number of milch cattle and calves. A cow or a buffalo is as much a necessity to a cultivator using the word necessity in a reasonable wide sense, as is a plough-bullock; and in many parts the oxen are bred in the village.

"11. In the portions of his Report which are referred to in the preamble of this Resolution, Doctor Völcker strongly recommends the formation of fuel and fodder reserves and the Government of India has repeatedly urged the same policy upon Local Governments. The question whether any particular area can be made to support a greater number of cattle by preserving the grass and cutting it for fodder, or by permitting grazing upon it, is one that must be decided by the local circumstances of each case. But when it has been decided, the issues are by no means exhausted. It has been stated in paragraph 9 above that one main object towards which the management of these minor forests should be directed is, supply of fuel and fodder, 'to the greatest advantage and convenience of the people'. In doing so, due regard must be had to their habits and wishes. It may be that strict preservation and periodical closures, or the total prohibition of grazing, will result in the largest yield both of fuel and fodder in the form of hay. But that is of small avail if the people will not utilize the increased supply in the form in which it is offered them. The customs of generations alter slowly in India; and though much may and should be done to lead the people to their own profit, yet it must be done gently and gradually, always remembering that their contentment is no less important an object than is their material advantage. It must be remembered, moreover, that the object of excluding grazing from the reserves in question, is the advantage of the *neighbourhood*; and that the realization of a larger income than grazing would yield, by preserving the produce, only to sell it to the highest bidder for consumption in large towns at a distance from the reserve, is *not* always in accordance with the policy which the Government of India has inculcated. Here again circumstances must decide. It may be that the local supply of fuel or fodder, independently of the reserved area is sufficient in ordinary years for the needs of the neighbourhood. In such a case the produce may legitimately be disposed of in such years to the greatest advantage, reserving it for local consumption only when the external supply runs short. Finally, the remarks regarding agency in paragraph 12, and the more general considerations that are discussed below in paragraph 13 of this Resolution, apply in full force to areas thus preserved for the supply of fuel and fodder.

"12. The fourth class of forests referred to are pastures and grazing grounds proper, which are usually forests only in name. It is often convenient, indeed, to declare them forests under the Act, in order to obtain a statutory settlement of the rights which the State on the one hand and private individuals or communities on the other, possess over them. But it by no means follows, as a matter of course, that these lands should be subjected to any strict system of conservation, or that they should be placed under the management of the Forest Department. The question of agency is purely one of economy and expediency; and the Government

Fourth class of forest as given in para. 3.

### I. General Policy and Classification of Forests.

of India believe that in some cases where these lands are managed by the Forest Department, the expenditure on establishment exceeds the revenue that is, or at any rate the revenue that ought to be, realized from them.

"The following remarks apply, not only to forest lands under the Act, whether administered by the Forest Department or not, but also to Crown waste lands, all Crown waste, even though not declared to be forest. Here the interests of the local community reach their maximum, while those of the general public are of the slightest nature. It follows that the principles which have been already laid down for the management of minor forest apply, if possible, with even greater force to the management of grazing areas pure and simple.

"13. The difficulties which arise in connection with these areas are apt to present themselves in their most aggravated form where the tenure of the land is rayatwari. In zemindári tracts the Crown lands generally assume the second of the two forms indicated in paragraph 10 of this Resolution. But where the settlement is rayatwari, every survey number or field that is unoccupied or unassigned is in the possession and at the disposal of Government, and trespass upon it is *prima facie* forbidden. In some cultivated tracts these unoccupied and waste lands are the only source available from which the grazing requirements of the resident population can be met. The Government of India are clearly of opinion that the intermixture of plots of Government land which are used for grazing only, but upon which trespass is forbidden, with the cultivation of occupancy or proprietary holders is apt to lead to extreme abuses, and especially so when these plots are under the management of the Forest Department. The inferior subordinates of the Forest Department are perhaps as reliable as can be expected on the pay which we can afford to give; but their morality is no higher than that of the uneducated classes from which they are drawn; while the enormous areas over which they are scattered, and the small number of the controlling staff render effective supervision most difficult. It is not right, in order to protect the grass or the grazing dues on plots of waste scattered over the face of a cultivated district, to put it into the power of an underling to pound or threaten to pound cattle on the plea that they have overstepped the boundary between their owner's field and the next. Still less right is it to permit the exercise of the power to compounding offences allowed by section 67 of the Forest Act to depend upon the mere report of a subordinate servant, or to expose him to the temptations which such a power holds out. Where the interests involved are sufficiently important, it may perhaps be necessary to accept the danger of extortion while minimizing as far as possible the opportunities for it. But in the case under consideration the interests involved are trifling while the opportunities are unlimited.

"14. It is to be distinctly understood that the Government of India do not desire that the grazing should be looked upon primarily as a source of income. But it by no means follows that all revenues from scattered Government lands should be relinquished. It is, indeed, inadvisable that this should be done, as to do so would give the rayats an interest in

Grazing should not be primarily a source of revenue. Treating with waste lands in regard to grazing.

### I. General Policy and Classification of Forests.

opposing allotment and making things unpleasant for new occupants. But the objections to direct management which have just been pointed out are reduced to a minimum or altogether avoided, when the management is placed in hands of the resident cultivators or of representatives from among them. It will generally be possible to lease or otherwise manage the unoccupied lands of a village through the agency of the community; not, indeed, at the highest price which they are ready to pay to escape such evils as have just been alluded to, but at a moderate estimate of their value to them, fixed in view of the fact that herds and flocks, which cannot exist without grazing, are often a necessary condition of the successful conduct of that cultivation upon which the Government land-revenue is paid. In no case should fields that have been relinquished be let to outsiders at a reduced assessment for grazing purposes, for then we might have speculators taking up such fields mainly in order to make what they can out of trespassing cattle.

" 15. One more point of principle remains to be noticed. The procedure under Chapter IV of the Indian Forest Act, whereby forests are declared to be protected, has been in certain cases regarded by the Government of India as a provisional and intermediate procedure, designed to afford time for consideration and decision, with the object of ultimately constituting so much of the area as it is intended to retain a reserved forest under Chapter II and of relinquishing the remainder altogether. The Act provides two distinct procedures. By the more strict one, under Chapter II, existing rights may be either settled, transferred or commuted; and this procedure will ordinarily be applied to forests of the first and second classes indicated in paragraph 3 of this Resolution. By the second procedure, under Chapter IV, rights are recorded and regulated; and this procedure will often be properly followed where the rights to which the area is subject are extensive, and the forest is to be managed mainly in the interests of the local community. It will ordinarily be applied to forests of the third and fourth classes. This second procedure may, indeed, be provisional and introductory to reservation under Chapter II; but there is in the Forest Act nothing repugnant to giving it a larger and even a permanent operation. As regards Government, the chief difference between the two procedures is that new rights may spring up in a protected but not in a reserved forest, and that the record-of-rights framed under Chapter II is conclusive, while that framed under Chapter IV only carries a presumption of truth. It is believed that this presumption offers ample security where the object of regulating the rights is to provide for their more beneficial exercise rather than to over-ride them in the public interests. As regards the people, the chief difference is that, speaking broadly, in a reserved forest everything is an offence that is not permitted, while in a protected forest nothing is an offence that is not prohibited. In theory it is possible so to frame the permission and the prohibition as to make the results identical in the two cases; but in practice it is almost impossible to do so. If it were not so, the distinction drawn by the legislature would be unnecessary and meaningless. It is only where the public interest involved are of sufficient importance to justify the stricter procedure and the more comprehensive definition of forest offences that the latter should be adopted. The Governor General in Council desires, therefore, that with regard



# I. General Policy and Classification of Forests.

Classification of fuel and fodder reserves and pasture lands.

both to fuel and fodder reserves and to grazing areas pure and simple, and especially to such of them as lie in the midst of cultivated tracts, it may be considered in each case whether it is necessary to class them, or if already so classed, to retain them as forest areas; and if this question is decided in the affirmative, whether it would not be better to constitute them protected rather than reserved forests.

"16. Such are the general principles which the Government of India desire should be observed in the administration of all State Forests in British India. They are fully aware that the

General summary. detailed application of these principles must depend upon an infinite variety of circumstances which will have to be duly weighed in each case by the local authorities, to whose discretion the decision must be left. One of the dangers which it is most difficult to guard against, is the fraudulent abuse of concessions for commercial purposes; and only local considerations can indicate how this can best be met. The Government of India recognize the fact that the easier treatment in the matter of forest produce which His Excellency in Council desires should be extended to the agricultural classes may, especially in the case of true forest areas, necessitate more careful supervision in order that the concession may be confined within its legitimate limits. But on the other hand, they think that in some Provinces it will render possible a considerable reduction of existing establishment, and they desire that this matter may be carefully considered with reference to what has been said above in paragraph 12. They know also that in some Provinces forest policy is already framed on the lines which they wish to see followed in all. But the Governor General in Council believes that Local Governments will be glad to receive the assurance now given them that the Supreme Government will cordially support them in recognizing and providing for local requirements to the utmost point that is consistent with Imperial interests. Where working plans or plans of operation are framed for forests, the provisions necessary for this purpose should be embodied in them. The exercise of the rights that have been recorded at settlement will necessarily be provided for in these plans. Where further concessions are made by way of privilege and grace, it will be well to grant them for some such limited period as ten years or that they may if necessary be revised from time to time as the circumstances, on which they are moulded, change." \*

Remarks of the Government of Bombay on the Government of India's Resolution given in the last section (No. 464). The principles laid down in paragraph 6 of the Resolution of the Government of India, No. 22-F, dated 19th October, 1894, that subject to certain conditions "the claims of cultivation are stronger than the claims of forest preservation," and that "wherever an effective demand for culturable land exists and can only be supplied from forest areas, the land should ordinarily be relinquished without hesitation" must be acted upon

\* G. I. No. 22-F, dated 19th October 1894; *vide* Government Resolution No. 9605, dated 23rd November 1894.

### I. General Policy and Classification of Forests.

to the fullest extent. Land fit for cultivation is almost always more profitable to the State and more useful to the community when under cultivation than when under forest, and the demand for it should be met, unless it is so situated that its occupation would be prejudicial to the conservancy of valuable forests, or that the soil when loosened would be liable to be washed away by rain, or some other special reason makes it expedient to retain it within the forest area. In many cases plots of cultivable land within the demarcation line could be with great advantage given out for occupation on condition of the holders watching the surrounding forests, and the Governor in Council will be glad to have this method of securing resident guards tried as far as possible. Until a demand arises for any of the land in question, there is some advantage and no disadvantage in its being subject to the provisions of the Forest Act. When the demand does arise, disforestation involves no difficulties, but the need of applying for it ensures separate and consequently more careful consideration being given to the several cases.

2. All forests proper, whether they yield timber or firewood or consist merely of scrub jungle protecting the slopes of hills, must of course remain under the management of the Forest Department. That Department should also have charge of all fuel reserves or mixed fuel or fodder reserves, except such as are so far removed from the forests proper that the superior officers could not exercise effectual supervision without prejudice to more important duties. There are, however, few works of greater utility than the production of firewood and small timber within localities in which they are in great demand. The production of grass does not require the services of a scientific department, and pure fodder reserves should be in the charge of the Revenue Department. It must be remembered that the produce of all these reserves must be devoted primarily to the supply of local wants at reasonable rates, and only the surplus, after these wants are fully met, may be exported. As regards the areas classed as pasture, the Governor in Council sees no reason to depart from the view which is indicated in Government Resolution No. 6702, dated 15th September 1893 [for this Resolution read next section], which is favoured by the Government of India in paragraph 12 of their Resolution No. 22-F., dated 19th October 1894 [read last section], and which has already been carried out in several districts, and he is indeed fully convinced that the transfer of these areas to the management of the Revenue Department is the only effectual method of remedying an evil too long continued.

3. Opportunity will be given to the Forest Department to convert into either forest proper or fuel reserves any parts of the pasture area which are suitable for the purpose, provided there remains a sufficient area open for pasture. The Collector's assent will, however, be necessary to all such undertakings, and it will be given only if he is satisfied that the condition above provided for is fulfilled and also that the Department has the means of making the closure effective. The area must be fenced wherever it is exposed to trespass and resident guards must be provided. There must be resident guards to watch the fencing, and they can be simultaneously employed in planting and sowing and other operations for the afforestation of the plots, or in cutting and stacking the grass: Government will be prepared, on being

### I. General Policy and Classification of Forests.

satisfied that the measures for closing any such area are efficient, to authorize the levy of pound fees on the maximum scale for trespass in it, and do not doubt that Magistrates will inflict exemplary punishments when they see that they are dealing with deliberate violations of a reasonable law reasonably applied. It may be hoped that by successful operations under such conditions the population generally will learn to appreciate the benefits of forest conservancy.\*

487. 1. *Forest proper* should be limited to areas which it is desirable to keep under scientific departmental management with a view *primarily* to the preservation or creation of timber or fuel growth. Outlying tracts which are not wanted for scientific development should not be included in forest proper merely because they contain a certain quantity of bush or tree growth which can be protected sufficiently for local needs by occasional closure and such simple measures of conservancy as are within the competence of the Land Revenue Department. Nor on the other hand is it necessary that patches in the middle of tracts generally suitable to be classed as forest proper should be thrown out because they happen to be comparatively bare. In the same way, promising plantations occurring in the midst of tracts generally classable as pasture may be left to be put under suitable management by the Collector without classifying them especially.

2. In treeless districts the enormous importance of erecting a growth of trees and bushes for climatic reasons, to check denudation of the hill-sides by scour, to supply vegetable mould and soil and to meet local demands for building material, firewood, etc., must be fully borne in mind. His Excellency the Governor in Council is at the same time of opinion that if real and rapid progress towards the attainment of this object is to be made without an altogether disproportionate amount of friction and hardship, it must be by concentrating effort to begin with on a suitable number of comparatively small plots selected where the conditions are least unfavourable, and where careful artificial treatment can be applied with some chance of a tolerably quick response. These plots would serve of object lessons to the people and as centres of gradual development. To attempt to deal with tracts so large that the treatment is practically limited to keeping out cattle, more or less completely, and trusting to nature to do the rest, is costly to Government, irritating to the people and, where the denudation has passed a certain limit, so slow in producing results as to be practically ineffectual. If this principle is followed, it is probable that a very large proportion of the land now supposed to be under reboisement in the Deccan districts may be classed for the present as pasture, and the forest establishment employed on it set free to deal effectually with a more manageable task.

3. The class of *fodder and fuel reserves* will be practically limited to existing kurans and plantations with possibly a few additions in places where they are wanted and the conditions are suitable. No land which does not produce grass of good quality of a head

### I. General Policy and Classification of Forests.

suitable for cutting should be reserved. Usually, of course, the quality of the grass will be estimated with reference to its suitability for *fodder*, the coarse description which cattle will not eat being excluded. But where there is a special growth of any particular variety of grass or rush, valuable like munj grass in Sind, for other purposes, such as thatching, basket work, matting, or tatties, which seems likely to disappear if not protected, it may be desirable to establish a reserve.

Pasture.

4. *Pasture* should include all reserved land not taken under one of the other two heads.

NOTE.—Since this Resolution was issued the classification of the Deccan forests into Forest proper, Fuel and Fodder reserves and Pasture lands, has been completed on these lines.

Management of fuel,  
fodder and pasture areas.

5. As regards management, the chief points for consideration should be—

(a) What measures for the preservation and improvement of the grazing in pasture are desirable and practicable, *i. e.*, what is to be the system of management in a technical sense.

(b) By what agency can they be carried out, *i. e.*, what is to be the system of executive control.

6. As to the first point Government consider that a *general* annual closure, however short, is to be deprecated, though it may possibly be found indispensable in particular localities. A division of the land into blocks, to be entirely closed in such period of rotation as may afford the closed block the longest practicable interval for recovery, seems to be the best principle, provided that the blocks are sub-divided and situated so that every village shall always, as far as possible, have an open block within easy reach. Rotation of closure may not, however, be equally practicable or necessary everywhere, and it may be advisable to supplement it by, or where it is not practicable, to substitute for it, precautions against over-grazing by restriction of the numbers of cattle admitted such as are contemplated in the grazing rules, or in such other shape as local conditions may suggest as most suitable. In the opinion of His Excellency the Governor in Council it would be a good thing if it could be arranged to limit the recovery of fees for grazing as much as possible to areas where the grazing is worth paying for, leaving the rest free, instead of fixing them on the cattle, irrespective of where they go and what they get, and to substitute voluntary arrangements with the villagers where possible, for restrictive rules.

7. As to the second point, it seems possible that much of the work of collecting grazing fees might be done with less friction by the Kulkarnis and Pátils than through forest subordinates, and it has been suggested that the services of Mhárs, Jagliás, Bumias, Puggis, and other inferior village servants might be enlisted in the cause of checking cattle trespasses by giving them a percentage on the pound fees, so that the forest staff might be spared for other more legitimate duties, except for the month or two when the fees are being collected. The suggestion seems worth considering. Care should, however, be taken that the interest given

System of collecting  
grazing fees.

## I. General Policy and Classification of Forests.

to these Mhárs and village servants is not such as might lead to their abetting or encouraging trespass in order to make something out of the pound fees. Much of the impounding is alleged, as it is, to be due to the wilful neglect of the Pátils and Kulkarnis to warn the people to take out passes and see that they are sent with the cattle into the forests for fear of reducing their own share of the pound proceeds. But this difficulty might possibly be got over by giving the Pátíl and Kulkarnis a small percentage on the grazing fees, and a small payment for the fee-passes where the system of management adopted involves the issue of such documents. The possibility of reducing establishments by spending a little money on hedging or fencing the chief points of access to closed tracts, should also be borne in mind. One man, with a little hedging to assist him where it is most needed, could do more than half a dozen without, and the annoyance of constant impounding would be lessened.\*

## II. EMPLOYMENT OF WILD TRIBES.

**488.** With respect to Bhils and other ancient inhabitants of the forests, it cannot be too much impressed upon the Forest Officers that the forest regulations must be applied with judgment, and every occasion sought of winning over the forest tribes to the cause of conservancy, by not interfering with the rights that they have heretofore enjoyed, wherever such rights can be permitted to continue, and also by supplying them with regular occupation in the service of the department, so as in time to train them to settled habits.†

**489.** The proposals contained in the following extract paragraphs 3 to 5 of a letter No. 1410, dated 3rd May 1879, from the Collector of Thána, relative to the employment of wild tribes as Rakhwaldars in the demarcated forests of the Thána District and assignment to them of waste lands in the area situated outside the limits of the forests in the district, were approved by Government;—

“3. Under the scheme I would propose, a number of the wild tribes can be employed as forest Rakhwaldars to look after and preserve the demarcated jungles, receiving small rent-free holdings for service rendered. These holdings would be but small in area, and being given for service could not be alienated.

“4. Those not employed as Rakhwaldars should be allotted small holdings from the land to be excluded from the forest reserves in the list now under preparation. To these holdings; Bombay Act I of 1865 would not apply, and the holders should be charged a very low rate of rent, say from 2 to 4 annas per acre, but before being put in possession it should be clearly explained to them that any attempt to alienate, mortgage or otherwise dispose of their occupancy will involve its forfeiture:

\* Government Resolution No. 6702, dated 15th September 1893.

† Secretary of State's No. 34 (Revenue), dated 25th June 1866; vide Government Resolution No. 2768, dated 1st August 1866.

## II. Employment of Wild Tribes.

A *kabuláyat* to the effect might also be taken, for, from experience of their improvidence, I know that so long as they are allowed any transferable or saleable right in land they are sure to part with it on the first favourable opportunity to a *wily sávkár* or other *pándherpesha*.

"5. In the carrying out of this scheme the greatest care will be necessary to avoid inducing those of the wild tribes now tilling the land of or labouring for superior land-holders to desert their present occupation. Any such result would increase the number of these to be provided for and possibly cause culturable land to be thrown out of occupation."\*

**490.** It is desirable, as a matter of policy, that employment of a suitable description should be provided for the Bhils and that occupation should especially be furnished to those who have earned their livelihood wholly or in part by wood-cutting. This occupation can best and without difficulty, be supplied by the Forest Department. The Bhils should, therefore, be employed by that Department as wood-cutters to fell and, if this course is practicable, to bring in the trees selected for the axe. It is the wish of Government that the Bhils should be employed to the fullest extent possible by the Forest Department, and that no opportunity should be lost of utilising Bhil labour and engaging them in the Forest operations which are most congenial to their tastes and mode of life and for which they are peculiarly qualified. Government must insist upon the grant by the Forest Department to the Bhils of employment to the largest practicable extent. It must be left to the Collector and the Conservator in consultation to decide how exactly this object is to be carried out, on what principle remuneration is to be given and how the work is to be allotted, and supervised, but the instructions of Government regarding the employment of Bhils must be complied with.†

**491.** The practice of the Forest Department in Sind of obtaining the services of gangs of villagers for putting up Persian wheels, mending bunds, making clearings for plantations, putting up or mending fences, etc., and giving the men a feed in lieu of wages, is not only economical, but tends to secure the good-will of the villagers; and its continuance is sanctioned.‡

**492.** The attention of Government has been drawn to the condition of the Kolis of the *gháts* by the Criminal proceedings of outlaws of *Junnar Táluka*. Some general measure, such as was proposed in 1879-1880, to give employment to *Rámosis* and Kolis by enlisting them in a local corps would perhaps be the best solution to the chronic difficulty of the Police in preserving order among the Kolis, but His Excellency the Governor in Council believes the reasons why these occasional outbreaks of lawlessness have always grown to some head before they are controlled, is to be found, next to heredity, in the poverty of the people. Unless they are

\* Government Resolution No. 3525, dated 5th July 1879.

† Government Resolution No. 1140, dated 24th February 1881.

‡ Government Resolution No. 2157, dated 1st April 1882.

## II. Employment of Wild Tribes.

induced to migrate, this poverty will increase owing to growth of population and forest conservancy restricting their cultivation and their means of getting wood to burn for manure or to sell. The attempt made in 1879 to get Kolis to migrate was in spite of every inducement offered, unsuccessful, and it is believed that they are not yet ready to adopt that remedy for their condition in any large number. As an immediate measure of relief the Governor in Council thinks that it would be well to spend a certain sum every year in the Akola, Junnar, Khed, and Mával Tálukas on road-making. By this means their country would be opened up, the value of their crops and of the Government forest would be gradually increased, and they would be enabled to earn a little money for themselves and their families. It is not the intention of Government to make the expensive class of road which employs mainly skilled labour in its construction, but rather an inferior class with a view to the employment of unskilled labour in construction and repairs for a few years to come. This may not be easy in the ghát country, but the end sought is to give work as much as to open communications. The District Local Boards should be called on to assist.\*

493. Attention is directed to the following extract from the minute on the conservancy of the Dang Forests by His Excellency Sir Bhils in the Dangs, Richard Temple, dated July 7th, 1879:—

“Consideration should be had to the case of any Bhils who may be settled in the lands proposed to be taken up. Indeed it would be better not to propose lands where Bhils happen to be thus settled. But in fact it is understood that there are few, if any, Bhils thus settled, and that almost all, if not all, of them are migratory in their habits. If, however, there be any Bhil family settled within an area proposed to be reserved, then it cannot be moved without compensation in some form or other, or without some satisfactory arrangement being made. It may happen that individuals thus situated can be entertained as employés by the Forest Department, and so rendered content to live under its régime. At all events it must be understood that if any Bhil be found settled, he cannot be summarily removed against his will.”

The inexpediency of the removal from their homes of any Bhil families who have *permanently settled* in any particular spot abandoning a nomadic life, should be carefully borne in mind. It is of more importance to encourage the Bhils in such a course than to constitute an ideally perfect reserve, and in general it should be understood by the officers concerned that in dealing with a wild people such as the Bhils, they cannot err in adopting a lenient policy.†

## III. MISCELLANEOUS EXPRESSIONS OF GOVERNMENT POLICY.

494. It must always be remembered that in the majority of cases the pressure of the rules made for the preservation of all the forests and the protection of the revenue will fall with the greatest weight on some of the poorest and least civilized of the population of the Presidency, who have long been, as they

Care should be taken not to unduly harass the people when introducing reforms.

\* Government Resolution No. 5616, dated 24th August 1887.

† Government Resolution No. 7906, dated 7th November 1890.

### III. Miscellaneous Expressions of Government Policy.

now are, very dependent on the supplies they draw from the forest. It is the duty of the Government to take care that in carrying out reforms, which ought ultimately to benefit even these people themselves, the hardships of their lives are not unduly aggravated, and to retain in their own hands a degree of control sufficient for their protection. They must not be sacrificed to an undue desire to increase the powers of the Forest Officers or to enhance permanently the revenue of the department.\*

**495.** The Governor General in Council has noticed with pleasure the gradual conversion of Protected Forests into Reserved Forests, for a limited protection of Government forest lands until a decision could be arrived at as to what areas should be maintained permanently as forests. But it now seems evident that there is no practical necessity for the creation of two classes of demarcated state forests, having regard to the complete and searching character of the enquiry and settlement made under the direction of the Bombay Government.†

Forests should primarily be for the welfare of the people.

**496.** Forest interests should be subordinated to the welfare of the agricultural population when there is any conflict between them.‡

Forest Department should endeavour to carry the people with them, in their policy.

**497.** It is both the duty and the best policy of the Forest Department to take the people with them in their measures, and so both to frame and to work their rules as to be as little burdensome as is consistent with effective conservancy to those whose privileges cannot but be thereby to some extent curtailed.§

**498.** The question of forest protection, always a troublesome one, presents special difficulties in the Bombay Presidency, owing to the nature of the forests and the manner in which they are interspersed with cultivation. On the one hand it is imperative that the forest property of the State should be efficiently protected, or the danger may arise that the areas reserved become forests in name only, and of no practical use to the country; while on the other hand, the population should not be treated with harshness. The position is rendered more difficult by the fact that some of the most pernicious forest offences are trivial if taken individually, but assume dangerous proportions if considered in the aggregate.||

**499.** The prosecution of petty offences against the Forest Act should be discouraged as leading to a great deal of petty oppression. His Excellency the Governor in Council would,

\* Government Resolution No. 130, dated 6th January 1876.

† Government of India, Home Department, No. 462-F, dated 3rd June 1886; *vide* Government Resolution No. 4747, dated 3rd July 1886.

‡ Government Resolution No. 7796, dated 22nd December 1881.

§ Secretary of State's No. 15 (Revenue), dated 4th March 1880; *vide* Government Resolution No. 1848, dated 9th April 1880.

|| G. I., R. & A., No. 927-F, dated 28th August 1893; *vide* Government Resolution No. 7286, dated 6th October 1893.



### III. Miscellaneous Expressions of Government Policy.

therefore, press on all Magisterial and Forest Officers, the necessity of using great caution and judgment in regard to such offences. For the benefit of the general public and the country at large, Government are bound to do all that lies in their power to recover the forests from deteriorated condition into which, by the uncontrolled action of villagers, they have fallen throughout the Presidency. In carrying out this policy efficiently, the villagers must be treated with a certain amount of firmness which appears to them harsh after the liberty they for so long enjoyed and abused, but Government trust that Commissioners, Collectors and Forest Officers do, as far as they can, and in future will try still further to, act in a discreet and judicious manner.\*

**500.** Forest Conservancy will never be effective if the people, who live in or near the forests, are opposed to it; their co-operation may be enlisted by considerate treatment, while injudicious severity inevitably creates a spirit of antagonism. No Magistrate of ordinary intelligence would dismiss a case of wanton destruction of seedlings as trivial on the ground that the wood after being cut would fetch a small price, and the District Magistrate should take steps to prevent any such failure of justice. On the other hand, the Officers of the Forest Department should be enjoined to act with discrimination in bringing prosecutions. In the Southern Division, no prosecutions are instituted without the approval of the Divisional Forest Officer, and the effect of this rule is said to have been very salutary. A similar rule should be enforced in the Northern Circle.†

**501.** Perfect symmetry of forest outline and mathematical accuracy of boundary are theoretically desirable, and may be aimed at as far as is practicable, but to secure these objects it is not desirable to sacrifice any material area of forest, to exclude from reserve, plots of land of considerable size which have been included in them for years and are covered with trees and vegetation, and to take from cultivation any comparatively large quantity of land on which rice or garden crops are now grown. Save when the boundary line is very irregular, and valid reasons exist rendering its rectification expedient, the conversion of pieces of land now cultivated into reserved forest, and *vice versa* should not be carried out merely in order to obtain a perfectly symmetrical boundary; what are required are well defined limits, a tolerably regular boundary, and the concentration, as far as may be, of cultivation and forest respectively in considerable areas.‡

**502.** Generally land commanded by tanks and canals should not be included in the forest area. It would obviously be inexpedient to curtail the extent of land which can be irrigated for cultivation from water-works carried out by Government at great expense. The Forest Department has sufficient scope for its energies in afforesting the slopes of hills and land not suitable for cultivation, and it is from the

\* Government Resolution, Judicial Department, No. 61, dated 6th January 1883.

† Government Resolutions No. 658, dated 25th January 1883, and No. 8810 dated 30th November 1883.

‡ Government Resolution No. 4565, dated 13th July 1882.

### III. Miscellaneous Expressions of Government Policy.

afforesting of these lands, and not low-lying lands which are capable of being irrigated and of producing valuable crops, that an improvement of the climate may be expected.

This above ruling does not apply to Sind, it being intended to apply to the Deccan only. In Sind the question of granting for forest purposes land which can be irrigated from water-works carried out by Government at great expense, is not one which can be dealt with generally, and each application for such land must be decided on its merits.\*

**503.** It is inexpedient to reserve for forest purposes small isolated numbers immediately adjacent to village sites. It is also, as a general rule, objectionable to maintain, as reserved forest, solitary small patches of land in the midst of cultivated ground; but in an arid, treeless taluka like Sholapur, it is of great importance to promote to the utmost possible extent the growth of timber and vegetation and where blocks of land of fair size are not obtainable, even small reserves will prove of benefit.†

Outlying small patches should not be reserved as forest.

**504.** The principle which should govern the action of the officers concerned in the matter of regulating the collection of articles of minor forest produce is that—

#### 1. Exploitation should be limited—

(a) to articles for which a trade demand exists or for which there is a reasonable probability that such a demand may in time be created, and, in respect of such articles, to localities in which they are produced in sufficient abundance, and which are sufficiently accessible to be worth working;

(b) to articles, such as catechu, the collection or manufacture of which it is necessary in the interests of forest conservancy to keep under effective control.

#### 2. Except in so far as they may be reserved for exploitation in each district from year to year in pursuance of that principle, the collection and sale of articles of minor forest produce,

in open forests should be left free and unrestricted.

The application of this principle will naturally vary in different districts and in different seasons, and His Excellency the Governor in Council considers that it should be left to the revenue and Forest authorities of each district to consider and decide in concert each year, before the collecting season begins,

(a) what articles in what localities it will be proper to exploit, having regard to local conditions and past results;

(b) what arrangements should be made or what conditions imposed, either generally or specially, in order to prevent hardship and secure the greatest benefit to the people employed in collecting.

\* Government Resolutions No. 1609, dated 21st February 1884, and No. 3909 dated 15th May 1884.

† Government Resolution No. 5189, dated 27th June 1884.

### III. Miscellaneous Expressions of Government Policy.

It should be clearly understood that Government are not anxious to make a revenue from minor produce, and that the application of the principle should not be allowed to operate in restriction of any rights or privileges of collection for private use or sale that may have been, or may hereafter be, recognized under due authority. Any difference of opinion among the district officers should be referred for settlement to the Commissioner through the Conservator. The decision of the Commissioner should be regarded as final.

The arrangements agreed upon, the results of the year, and the progress made in the direction desired, that of creating or extending industries which improve the condition of the forest tribes, should be noticed fully in the District revenue and Forest Administration reports for the year and summarized and compared by the controlling officers for the information and orders of Government.\*

**505.** The Resolution of the Finance Department, No. 4145, dated the 28th July 1888, prescribed the conditions under which one department of the public service may charge another department for services rendered or articles supplied to it; and under this Resolution the Forest Department is included in the category of *quasi-commercial* departments maintained for the purpose of rendering particular services on payment made for services rendered or for articles supplied. These *quasi-commercial* departments are to charge other departments of Government for services rendered or articles supplied in the same way as they would charge a member of the public, provided, however, that the services or supplies are such as it is the object of the existence of the department to render or to furnish.

Under the Forest Law of India, "forest produce" practically includes all natural products found in a forest, whether vegetable, animal, or mineral.

In 1889† it was decided that the revenue realised from quarries and minor mineral products in Government forests and lands which are under the management of the Forest Department, should be credited to "Forests"; but where such forests and lands are not under the management of that Department, to "Land Revenue (Miscellaneous)".

2. The question whether, under these rulings, the Forest Department is entitled to charge royalty to another department of Government upon minerals taken from the forest area, has more than once come before the Government of India; but, though it has usually been decided on these individual references, that the Forest Department was entitled to levy a royalty on all materials supplied to other departments, no definite general ruling on the subject has yet been laid down. The Government of India now consider it desirable to issue formal orders in the matter for general guidance, in order to secure uniformity of procedure and to prevent the possibility of misunderstanding. They consider that a distinction may properly be drawn between vegetable products which strictly appertain to a forest as such, and animal

\* Government Resolution No. 9846, dated 15th December 1893.

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### III. Miscellaneous Expressions of Government Policy.

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products which depend for their existence either directly or indirectly upon the presence of the forest, on the one hand, and mineral products, the existence of which is independent of the fact that the land is a forest, on the other. They consider, also, that it is undesirable to extend to contractors working for a Government department, any privileges which the department itself may enjoy when operating directly by its own establishment.

3. They direct therefore that the Forest Department shall charge other Government departments for all vegetable or animal products extracted from a forest area in the same manner in which it charges the public; and that it shall similarly charge contractors for all mineral products extracted by them, whether in behalf of a Government department or not. If a Government department extracts mineral products for sale, they also will be charged for. But the Forest Department will not charge other Government departments for mineral products extracted from a forest area by the direct agency of the department concerned, under its own supervision and without the intervention of contractors or middlemen, for its own use and not for disposal to the public or other departments. For such products the Forest Department will take no credit in the public (Treasury) accounts of Government. But for statistical purposes the value of these products should be shown in the returns furnished by the Forest Department, just as the value of timber and other forest produce removed by free grantees or right-holders is already shown.

4. The ruling that certain forest products shall not be charged for if directly extracted by other Government departments for their own use, in no way confers upon such departments any right of entry upon or of working in the areas under the charge of the Forest Department. That department retains its full powers of control; and, subject to the orders of superior authority, will continue to fix and limit the localities where such extraction may take place, and to impose any conditions which it may consider necessary for the safety of its forests and the convenience of its own work.

5. The above rulings will apply, *mutatis mutandis*, to every class of forest or waste land at the disposal of Government, independently of the agency by which such land may be administered.\*

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\* Government Resolution No. 8824, dated 12th September 1906.

Page 320, Section 505.

*Add* the following clause at the end:—

No charge should be made for the extraction of minerals from forest or waste lands at the disposal of Government by Government departments for their own use, whether under their own supervision or by contractors working *bona fide* on behalf of such departments.†

Also no charge should be made for minerals taken for Local Board works executed through Public Works Department from Government forest and waste lands.‡

*Add* the following to the foot-note:—

† Government Resolution, R. D., No. 2382, dated 7th March 1912.

‡ Government Resolution, R. D., No. 5397, dated 10th June 1914.